

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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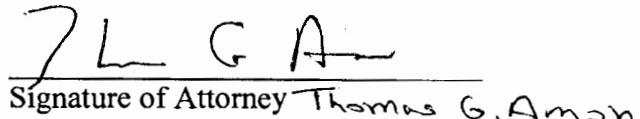
CATHERINE RUBERY, Derivatively On Behalf of E\*TRADE FINANCIAL CORPORATION, Plaintiff, : Case No.  
vs. : RULE 7.1 STATEMENT  
MITCHELL H. CAPLAN, R. JARRETT LILIEN, ROBERT J. SIMMONS, GEORGE A. HAYTER, DARYL BREWSTER, RONALD D. FISHER, MICHAEL K. PARKS, C. CATHLEEN RAFFAELEI, LEWIS E. RANDALL, DONNA L. WEAVER and STEPHEN H. WILLARD, Defendants, -and- E\*TRADE FINANCIAL CORPORATION, a Delaware corporation, Nominal Defendant.

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Pursuant to Federal Rule of Civil Procedure 7.1 [formerly Local General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Catherine Rubery, Derivatively on Behalf of E\*Trade Financial Corporation (a private non-governmental party) certifies that the following are corporate parents, affiliates and/or subsidiaries of said party, which are publicly held:

No corporate parent  
No publicly held affiliates or subsidiaries

Date: October 4, 2007

  
Signature of Attorney Thomas G. Amon

Attorney Bar Code: TGA 1515